

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

**TOMAS LORENZO PEREZ,
Defendant.**

Criminal No. 97-190 (SEC)

**UNITED STATES' RESPONSE TO DEFENDANT'S DEMAND FOR
PRODUCTION OF STATEMENTS, RECORDS AND MOTION FOR
DISCLOSURE OF GRAND JURY MATERIAL**

TO THE HONORABLE COURT:

COMES NOW the United States of America, through the undersigned attorneys, and very respectfully states and prays as follows:

1. On June 29, 2007, the defendant, Tomás Lorenzo Pérez, filed a Demand for Production of Statements, Records and Motion for Disclosure of Grand Jury Material.
2. The defendant argues that an unnamed special agent of the government deliberately gave inconsistent statements to the Grand Jury to obtain the indictment. Thus, the defendant requests that the government produce statements, records and Grand Jury material pursuant to the Rules of Evidence and the Jencks Act.
3. The documents requested by the defendant were provided to the defense counsel along with a letter dated April 7, 1998 (see Attachment A). Defendant's counsel at the time, José A. Suárez Santa, Esq., acknowledged the receipt of the Jencks material by signing the letter on

United States' Response to Motion

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April 8, 1998. The letter clearly indicated that the government was providing the defendant with copies of the grand jury testimony rendered by Special Agent Homero Sanin on September 3, 1997 and March 18, 1997.

4. It should be noted that even though the defendant's counsel name is not included in the addressee list of the April 7, 1998 letter, the signature in the acknowledgment section matches the signature of the defendant's counsel in a Response filed on April 7, 1998, date when José A. Suárez Santa, Esq., first appeared as counsel for the defendant (see Attachment B).

WHEREFORE, the United States respectfully requests that the Demand for Production of Statements, Records and Motion for Disclosure of Grand Jury Material be denied.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 14th day of August, 2007.

ROSA EMILIA RODRIGUEZ-VÉLEZ
United States Attorney

s/ Myriam Y. Fernandez-Gonzalez
Myriam Y. Fernández-González
Assistant U.S. Attorney - U.S.D.C. #218011
Room 1201, Torre Chardón Bldg.
350 Carlos Chardón Ave.
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Tel. 766-5656

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of August, 2007, I electronically filed the foregoing with the Clerk of the Court, using the regular mail notification of such filing to Tomás Lorenzo Pérez, Reg. No. 16054-069, USP COLEMAN I, U.S. PENITENTIARY, P.O. BOX 1033, COLEMAN, FL 33521.

s/ *Myriam Y. Fernandez-Gonzalez*

Myriam Y. Fernández-González

Assistant U.S. Attorney - U.S.D.C. #218011

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Guillermo Gil
United States Attorney
District of Puerto Rico

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April 7, 1998

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David Roman
P.O. Box 3178
Guaynabo, PR 00970-3178

Dear Counsel,

Please find the following enclosed materials. These materials are being presented to you as Jencks material although some of the documents may reflect additional ethical and discovery obligations. The documents are:

Interview of Leoncio Richardson 8/19/97
Interview of Eufemia Senda Sanchez 8/19/97

302's or FBI reports of:

Marino Mieses-Pimentel 8/18/97

Victor Pimentel 8/18/97

Cirila Hernandez 8-25-97 8/25/97

Jorge Lorenzo Hernandez 8/25/97

Brenda Quiles-Navarro 8/25/97

Raimary Lavandier 8/25/97

Phillip Irizarry 8/25/97

Julio Quiñones 8/25/97 8/25/97

Richardson Mieses Pimentel 8/25/97 11/6/97 11/6/97 11/18/97

Lorenzo Peña Morfe 8/25/97

Homero Sanin 8/27/97 9/8/97

Pablo Baez Ortiz 8/18/97

Santiago Acosta Molina 2/11/98 12/97

Jose Ramon Feliciano Rosado 12/3/97 12/3/97 11/17/97 11/17/97 11/17/97 11/18/97

Nicolas Rodriguez Velez 12/2/97

Eufemia Senda Sanchez 12/8/97

Evans Charlery 12/7/97

The proffer letter and plea agreement of Santiago Acosta Molina

Nineteen (19) pages of handwritten notes of Santiago Acosta Molina

the grand jury testimony of Homero Sanin 9/3/97 3/18/97.

Please accept this letter as notice that Santiago Acosta Molina agreed to be deported on 12/12/92. He was arrested in 1987 for possession of cocaine. This matter was not pursued by the authorities. In 1988, Acosta Molina was arrested in Pennsylvania in relation to a homicide and he plead guilty to possession of a firearm without a license. He served one year of probation and two (2) weeks of work release. Pursuant to his cooperation, Acosta Molina made several cases in New Jersey and Philadelphia. U.S. vs. Luis Ferrer (1990), and U.S. vs. Milanoly (1990). Acosta Molina worked with F.B.I. agent Pat Derken and Pennsylvania Prosecutor Robert Kenny. Acosta Mera may have testified in the past and the U.S. Attorneys Office has not been able to obtain any additional information. During 1989-1992 Acosta Molina "worked" for state and federal authorities and he stated he was paid by the secret service. I understand that that this information was previously provided by AUSA Rosa Rodriguez-Mera and I am simply confirming the information.

Finally, Jose Ramon Feliciano Rosado indicated that he was convicted in relation to a shooting homicide in the 1980's. He indicated that he served four (4) years.

GUILLERMO GIL

U.S. Attorney

Joseph V. Hoffer

Assistant U.S. Attorney

ACKNOWLEDGEMENT

I, as attorney or record acknowledge receipt of the discovery materials described herein, produced pursuant to this Court's "Jencks" order, and further acknowledge that said receipt constitutes a request for such discovery materials under Fed.R.Crim.P. It is understood that I reserve the right to file any motion I deem appropriate.

I also agree to waive any claim that the aforementioned discovery package failed to contain any evidence detailed herein, should receipt of this package be acknowledged by any third party sent on my behalf as authorized by me.

I also do hereby acknowledge that it is the official policy of the United States Attorney for the District of Puerto Rico that "Plea Agreements" between defendant and/or defendant's counsel and the Government are not valid and binding unless and until they have been approved in writing and have been signed by the United States Attorney, Guillermo Gil, or by AUSA Jorge Vega-Pacheco, Chief, Criminal Division. The Office of the United States Attorney is not bound nor responsible for any tentative agreements or representations that legal counsel makes to a defendant prior to such formal agreement.

Attorney for Defendant

Date: 4/8/98

RK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

CRIM.NO.97-190 (SEC)

PLAINTIFF,

VS.

LORENZO PENA MORFE, ET AL

**OPPOSITION TO GOVERNMENT'S
INTENT TO INTRODUCE
404(b) EVIDENCE**

COMES NOW, defendant Tomas Lorenzo Perez through the undersigned attorney and very respectfully states and prays as follows:

1. The Government has filed a Motion informing that it will seek to introduce evidence of a defendant's prior arrest.

2. The same motion states that all charges were subsequently dismissed.

3. Evidence previously provided by the Government clearly demonstrates that there was no probable cause against defendant and that no weapon was ever found in his possession.

4. Such evidence is of little or no probative value and would only create danger of unfair prejudice, confusion or misleading the jury.

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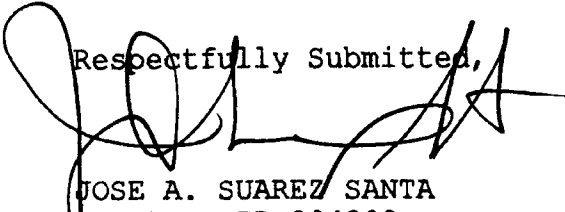
U.S. DISTRICT COURT
SAN JUAN, P.R.

WHEREFORE, it is respectfully requested that this motion be granted and the Governments request to introduce evidence of defendants prior arrest be denied.

I HEREBY CERTIFY that on this date a copy of the present motion was delivered to A.U.S.A. Rosa C. Rodriguez Mera, Federico Degetau Federal Building, Room 452, Hato Rey, PR 00918.

In Guaynabo, Puerto Rico, March 30, 1998.

Respectfully Submitted,


JOSE A. SUAREZ SANTA
U.S.D.C.-PR-204309
P.O. BOX 476
GUAYNABO, PR 00970
TEL. 789-1212